



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,596	08/09/2000	W. BENJAMIN HERRINGTON	UV-157	5141
1473	7590	03/09/2004	EXAMINER	
FISH & NEAVE 1251 AVENUE OF THE AMERICAS 50TH FLOOR NEW YORK, NY 10020-1105			BELIVEAU, SCOTT E	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 03/09/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/635,596

Applicant(s)

HERRINGTON ET AL.

Examiner

Scott Beliveau

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-16 and 33-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-16 and 33-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Miscellaneous

1. Please note that the examiner of record for the prosecution of this application has changed.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 374 (Figure 35); 384 (Figure 37b). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 379 (Page 46, Line 31); 389 (Page 47, Line 21). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. Alternatively, it would appear that an

Art Unit: 2614

amendment to the specification to change the reference of elements "379" to 374" and "389" to read "384" respectively would simultaneously correct both this and the prior drawing objection.

Response to Arguments

5. Applicant's arguments with respect to claims 1-5, 8-16 and 33-44 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
8. Claims 1-5, 8-16, and 33-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (US Pat No. 5,850,218) in view of Knowles et al. (US Pat No. 5,850,218).

Art Unit: 2614

In consideration of claims 1, 9, 33, and 39, the LaJoie et al. embodiment discloses a system, method, computer implemented method and means by which “user television equipment” [6] at least partially implements an “interactive television application” or interactive program guide that further “allows parental control of television viewing of users” (Col 13, Lines 6-65). The embodiment is operable enable “users to view blocked television programming by entering a personal identification code” in conjunction with the ordering and viewing of PPV programming. The embodiment “tracks” the “blocked television programming that has been viewed based on the personal identification code that was entered to view the television programming” (Col 28, Line 64 – Col 31, Line 32) and subsequently may “display a log of blocked television programming that has been viewed, wherein the log includes information on the user accounts that are associated with the personal identification codes that were entered to view the blocked television programming” (Figure 13; Col 22, Lines 16-36). In particular, as illustrated in Figure 13, the “information on the user accounts that are associated with the personal identification codes that were entered to viewer the blocked television program” is met such that the log comprises “information” such that a particular user account having entered an associated PIN viewed/ordered a particular program on a particular day. The claim is not limiting such that the “information” must comprise the display of information identifying the particular viewer that watched/ordered the programming.

The LaJoie et al. reference, while disclosing the particular usage of parental control settings, does not explicitly disclose nor preclude details pertaining to the usage of multiple accounts in conjunction with such. The Knowles et al. reference discloses an EPG that

Art Unit: 2614

accommodates a parental control function based on differing priorities in a hierarchal configuration (Col 6, Lines 11-20). The “interactive television application” subsequently “supports multiple user accounts” each associated with particular users within a household “wherein each of the user accounts has an associated personal identification code” or password. The parent may “set parental control criteria for each of the user accounts using the television application” or UI (Figure 33) so as to limit PPV purchases as well as the particular content (Col 5, Lines 14-30; Col 12, Lines 20-37). Based on the aforementioned settings, the embodiment “blocks television programming that matches at least one of the parental control criteria” (Col 7, Lines 56-57) and “allows a user to view blocked television programming by entering a personal identification code associated with one of the user accounts that has parental control criteria [so as to] permit [the] viewing of the blocked television programming” such as a PPV event. Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the LaJoie et al. embodiment so as to further utilize the multiple IPG account teachings of Knowles et al. for the purpose of providing a means for providing user based IPG customization as well as centralized parental control over multiple IPGs (Knowles: Col 1, Lines 19-53).

Claims 2, 10, and 34 are rejected wherein the Knowles et al. reference discloses that “at least one of the user accounts has been designated as a parent account and at least one of the user accounts is designated as a child account” (Knowles et al.: Col 6, Lines 11-25).

Claims 3, 11, 35, and 41 are rejected wherein the “parent account is without restrictions on television programming viewing” (Knowles et al.: Col 20, Lines 45-47).

Art Unit: 2614

Claims 4, 12, 36, and 42 are rejected wherein the “user television equipment” is further configured to temporarily bypass blocking of television programming on entry of the personal identification code for the parent account” (Knowles et al.: Col 11, Lines 47-56) wherein the bypass may remain until the TV is turned off, the user exists VCHIP Plus+ mode, or a certain time delay has expired. Alternatively, the bypass implicitly ends subsequent to the ending of the purchased event.

In consideration of claims 5, 13, 37, and 43, the Knowles et al. reference explicitly incorporates the Alexander et al. (US Pat No. 6,177,931) by reference as if set forth in its entirety (Col 3, Lines 10-18; Col 10, Lines 9-27). The Alexander et al. reference discloses an EPG for multiple users that uses “viewer profile information to tailor the presentation and scheduling of advertisements (Col 32, Lines 22-28). Accordingly, it would have been obvious to one having ordinary skill in the art to utilize such in conjunction with the LaJoie et al. for the purpose of providing improved opportunities for advertiser to reach the viewer based on a particular user’s viewing profile (Alexander et al.: Col 2, Lines 3-21).

Claims 8, 16, 38, and 44 are rejected wherein the “interactive television application” is an “interactive television program guide application” (LaJoie et al.: Col 6, Lines 14-18; Knowles: Figure 7).

9. Claims 1-4, 8-12, 14-16, 33-36, 38-42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (US Pat No. 5,850,218), in view of Goode et al. (US Pat No. 6,163,272).

In consideration of claims 1, 9, 33, and 39, the LaJoie et al. embodiment discloses a system, method, computer implemented method and means by which “user television

Art Unit: 2614

equipment” [6] at least partially implements an “interactive television application” or interactive program guide that further “allows parental control of television viewing of users” (Col 13, Lines 6-65). The embodiment is operable enable “users to view blocked television programming by entering a personal identification code” in conjunction with the ordering and viewing of PPV programming. The embodiment “tracks” the “blocked television programming that has been viewed based on the personal identification code that was entered to view the television programming” (Col 28, Line 64 – Col 31, Line 32) and subsequently may “display a log of blocked television programming that has been viewed, wherein the log includes information on the user accounts that are associated with the personal identification codes that were entered to view the blocked television programming” (Figure 13; Col 22, Lines 16-36). In particular, as illustrated in Figure 13, the “information on the user accounts that are associated with the personal identification codes that were entered to viewer the blocked television program” is met such that the log comprises “information” such that a particular user account having entered an associated PIN viewed/ordered a particular program on a particular day. The claim is not limiting such that the “information” must comprise the display of information identifying the particular viewer that watched/ordered the programming.

The LaJoie et al. reference, while disclosing the particular usage of parental control settings, does not explicitly disclose nor preclude details pertaining to the usage of multiple accounts in conjunction with such. The Goode et al. reference discloses a method and apparatus for managing the personal identification number of customers as well as customer access to an interactive information distribution system (Col 1, Lines 59-63). The

Art Unit: 2614

“interactive television application” subsequently “supports multiple user accounts” each associated with particular users within a household “wherein each of the user accounts has an associated personal identification code” or password (Figure 2). The parent may “set parental control criteria for each of the user accounts using the television application” so as to limit access, content, spending, etc. (Col 5, Line 50 – Col 6, Line 6). Based on the aforementioned settings, the embodiment “blocks television programming that matches at least one of the parental control criteria” and “allows a user to view blocked television programming by entering a personal identification code associated with one of the user accounts that has parental control criteria [so as to] permit [the] viewing of the blocked television programming” (Figure 3; Col 6, Line 13 – Col 7, Line 48). Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the LaJoie et al. embodiment so as to further utilize the parental control teachings of Goode et al. for the purpose of providing a means for managing personal identification numbers and customer authorization within an interactive information distribution system to provide flexible and useful security measures. Furthermore, the association of requested activities with personal identification information would advantageously provide a means wherein the logging of LaJoie et al. may be further broken down by user identification for the purpose of advantageously providing the user with a visual indication as to the remaining number of PPV items that they may purchase during that month (Goode et al.: Col 2, Lines 60-63).

Art Unit: 2614

Claims 2, 10, and 34 are rejected wherein the Goode et al. reference discloses that “at least one of the user accounts has been designated as a parent account” or master account and “at least one of the user accounts is designated as a child account” (Col 2, Lines 6-23).

Claims 3, 11, 35, and 41 are rejected wherein the master account may be a full-access account or “parent account [that] is without restrictions on television programming viewing” (Col 2, Lines 44-49; Col 8, Lines 3-5).

Claims 4, 12, 36, and 42 are rejected wherein the “user television equipment” is further configured to temporarily bypass blocking of television programming on entry of the personal identification code for the parent account” [316].

Claims 8, 16, 38, and 44 are rejected wherein the “interactive television application” is an “interactive television program guide application” (LaJoie et al.: Col 6, Lines 14-18).

10. Claims 5, 13, 37, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (US Pat No. 5,850,218), in view of Goode et al. (US Pat No. 6,163,272), and in further view of Alexander et al. (US Pat No. 6,177,931).

In consideration of claims 5, 13, 37, and 43, the LaJoie et al. reference does not explicitly disclose nor preclude the particular usage of advertisements in conjunction with the IPG.

The Alexander et al. reference discloses an EPG for multiple users that uses “viewer profile information to tailor the presentation and scheduling of advertisements (Col 32, Lines 22-28).

Accordingly, it would have been obvious to one having ordinary skill in the art to utilize such in conjunction with the LaJoie et al. for the purpose of providing improved opportunities for advertiser to reach the viewer based on a particular user’s viewing profile (Alexander et al.: Col 2, Lines 3-21).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Leung et al. (US Pub. No. 2002/0095673) reference discloses an apparatus and method for parental control using V-Chip+ and master passwords. This publication is a continuation of the abandoned application No. 09/221,615 incorporated by reference in its entirety by Knowles et al.
- The Casement et al. (US Pat No. 5,969,748) reference discloses a television schedule system with a user interface that includes a password for overriding blocking criteria including PPV spending limits and time, rating, content, and/or channel criteria.
- The Gordon et al. (US Pat No. 6,208,335) reference discloses a method and apparatus for proving an interactive menu that supports a plurality of user accounts, parental/purchase controls, and account summary information.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**


Art Unit: 2614

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 703-305-4907. The examiner can normally be reached on Monday-Friday from 9:00 a.m. - 6:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

SEB
March 1, 2004